

REMARKS

In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration of the present application. At the time of the outstanding Office Action, November 17, 2008, claims 1-7 and 24-25 were pending and claims 8-23 and 26-32 were withdrawn. By this Response claims 1-12, 14-18, 20-27 and 28-32 are amended, claims 8-23 and 26-32 remain withdrawn. No new matter has been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with appropriate status identifiers.

Specification Objection

The title stands objected to as allegedly not being descriptive. The title has been amended. Accordingly, Applicant respectfully requests withdrawal of the instant objection.

35 U.S.C. § 112 Rejections

Claims 4 and 6 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 4 and 6 are amended. Accordingly, Applicant respectfully requests withdrawal of the instant rejection.

35 U.S.C. § 101 Rejections

Claims 1-7 and 24-25 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, all section elements of claims 1-7 and 24-25 are positively supported by a software/program enablement on a computer which is non-statutory. Claims 1-7 and 24-25 are amended. Accordingly, Applicant respectfully requests withdrawal of the instant rejection.

35 U.S.C. § 102 Rejections

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by “The JPEG 2000 Still Image Compression,” IEEE Signal Processing Magazine, 9/2001, pp 36-58, Skodras *et al.* (Skodras). Because the cited art does not disclose each of the limitations of the instant claims, Applicant traverses.

As amended the instant claims provide for 1) a first compressing module that compresses each block of an image into first compressed data wherein each block of the first compressed data includes *code length adjustment data* in order to obtain a fixed length of the code; 2) a first code converting module that converts the first compressed data into second compressed data wherein a block of the second compressed data includes *marker code* when the length of the block is formed as a variable length and 3) a second code converting section which converts the second compressed data into third compressed data so that each block of the third compressed data has a code length equal to that of each block of the first compressed data. The fixed length and the variable length of the compressed data can be changed in accordance with the system characteristics by providing the first code converting module and the second code converting module. Thus, the present claims provide an apparatus for image processing which effectively utilizes diverse compressing and decoding systems that selectively applies a plurality of compression systems or a combination thereof to improve accumulation efficiency, enhanced by variable length code, while allowing image data to be properly edited, via fixed length code. (¶¶ 0024, 0181, 0183, 0185-0187 of the instant published application.)

Skodras does not disclose this subject matter. Skodras merely discusses a compression engine wherein subbands of coefficients are quantized and collected into rectangular arrays of “code block”. (Page39, col. 1, lines 22-23.) Skodras makes no mention of using fixed length and variable length code blocks, much less mention each block of a first compression containing code length adjustment data or mention each block of a second the compressed data including marker code when the code length of the block is variable. Thus, Skodras does not disclose the limitations of the instant claim. For at least the foregoing reasons Skodras does not anticipated the instant claim. Accordingly, Applicant respectfully requests withdrawal of the instant rejection.

35 U.S.C. § 103 Rejections

Claims 1-7 and 24-25 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,426,809 to Hayashi et al. (Hayashi) in view of U.S. Patent No. 5,786,906 to Shishizuka (Shishizuka). Because the cited art does not teach or suggest each of the limitations of the instant claims, Applicant traverses.

As amended, the instant claims provide for image codes of an image for rotation and printing being converted into fixed length and constant rate format, giving priority to constant rate outputting performance for rotation and printing, while image codes of the image for storage in HDD are converted into a different code length format, giving priority to reduction of the compressed size.

The cited art does not teach or suggest this subject matter. Hayashi merely discusses determining whether to transmit image data in a multilayer or single layer format based on whether or not the input image is in color. (Abstract and Col. 6, lines 7-36.) Hayashi makes no mention of providing image code formats for rotation and printing of an image distinct from the image code formats for the storage of the image. Nor are the deficiencies of Hayashi cured by Shishizuka. Shishizuka merely discusses determining whether an input image is a color or monochrome image, (Abstract) and decoding an image signal transmitted onto a public telephone line (Col. 5, lines 15-17.) Shishizuka makes no mention of providing image code formats for rotation and printing that are distinct from the image code formats for storage. Thus, for at least the foregoing reasons the instant claims define over the cited art.

Moreover, instant claim 3 further defines over the cited art. Claim 3 utilizes the result of a color determination to further process the first compressed data to vary the compression while not varying the image quality. Hayashi, however, merely discusses using a color determination as a means of selecting a final compressed image. (Col. 6, lines 7-36.) Hayashi makes no mention of utilizing the result of a color determination to further process compressed data to vary the compression. Nor is the deficiency of Hayashi cured by Shishizuka. Shishizuka makes no mention of utilizing a color judgment to further process compressed data to vary the compression. Thus, for at least the foregoing reasons claim 3 further defines over the cited art.

Instant claim 5 also further defines over the cited art. Claim 5 further provides a single decoder which decodes the first compressed data and the third compressed which are different in formats. This feature is not taught or suggested by the cited art. The Office Action admits that Hayashi does not disclose a decoder section and cites to Shishizuka. (Office Action, page 6, lines 8-10.) However, Shishizuka make no mention of a single

decoder which decodes separate sources of compressed data which are in different formats. Thus, the cited art does not teach or suggest the limitations of the instant claim. For at least the foregoing reasons claim 5 further defines over the cited art.

Instant claim 6 also further defines over the cited art. Claim 6 further provides for a system control module. The cited art does not teach or suggest this feature. Neither Hayashi nor Shishizuka mention a system control module. Thus, for at least the foregoing reasons claim 6 further defines over the cited art.

Furthermore, instant claim 7 also further defines over the cited art. Claim 7 provides for a decoding module that decodes plural types of third compressed data having different color determination results and different pieces of mode instruction information read from memory in accordance with at least either a color determination result or the mode instructed by the system control module. As already discussed the cited art does not mention a single decoder which decodes data of different formats. Thus, for at least the foregoing reason claim 7 further defines over the cited art.

Claims 24 and 25 provide limitations similar to the limitations already discussed and for similar reason also define over the cited art. Claims 2 and 4 depend from claim 1 and therefore claims 2 and 4 also define patentable subject matter. Accordingly, Applicant respectfully requests withdrawal of the instant rejections.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 6, 2009

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

By Thomas L. Belde Reg. No. 43,438

/s/ Paul D. Strain
Attorney for Applicant
Registration No. 47,369